

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

	X
TZVI WEISS, <i>et al.</i>	:
	:
Plaintiffs,	STIPULATION <u>AND ORDER</u>
- against -	:
NATIONAL WESTMINSTER BANK PLC,	05-cv-4622 (DGT) (MDG)
	:
Defendant.	:
	:
	X
	X
NATAN APPLEBAUM, <i>et al.</i> ,	:
	:
Plaintiffs,	:
-against-	07-cv-916 (DGT) (MDG)
NATIONAL WESTMINSTER BANK PLC,	:
	:
Defendant.	:
	X

STIPULATION AND ORDER

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, Defendant objected based upon United Kingdom bank secrecy restrictions to the production of certain information requested by the Weiss Plaintiffs, including under the principles of banker-client confidentiality under English law articulated in Tournier v. National Provincial and Union Bank of England, [1924] 1 KB 461 (C.A.), and its progeny;

WHEREAS, the Court overruled Defendant's bank secrecy objections in its May 14, 2007 Memorandum and Order with respect to certain of Plaintiffs' requests;

WHEREAS, the Court directed in its September 26, 2008 Minute Order that Defendant produce certain documents in response to Plaintiffs' final list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008 ("November 13 list");

WHEREAS, pursuant to Plaintiffs' request, Defendant has conducted a search of certain electronic data maintained by its Payment Operations department for transactions involving non-customers on Plaintiffs' November 13 list, and Defendant is retrieving electronically stored backup documentation relating to those transactions;

WHEREAS, certain of the transactions involving non-customers on Plaintiffs' November 13 list identified in that search also involve customers of National Westminster Bank Plc ("NatWest") or the Royal Bank of Scotland plc ("RBS") that are not identified on the November 13 list, or are transactions initiated by other banks with accounts at NatWest or RBS in which NatWest or RBS acted as a correspondent or clearing bank;

WHEREAS, the backup documentation for the transactions involving customers of NatWest or RBS not identified on the November 13 list, or for transactions initiated by other banks with accounts at NatWest or RBS in which NatWest or RBS acted as a correspondent or clearing bank, contains customer information subject to banker-client confidentiality;

WHEREAS, Plaintiffs contend that, based upon the Court's May 14, 2007 and September 26, 2008 Orders, Defendant is required to produce the backup documentation for transactions identified in the Payment Operations search without redaction of the information relating to those customers not identified on the November 13 list, or the account information for banks with accounts at NatWest or RBS in which NatWest or RBS acted as a correspondent or clearing bank;

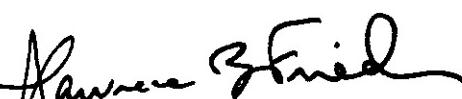
WHEREAS, Defendant preserves its objection to the production of such information in light of the principles of banker-client confidentiality under English law articulated in Tournier;

NOW, THEREFORE, it is hereby stipulated that Defendant will produce to Plaintiffs the backup documentation for transactions identified in the Payment Operations search without redacting information relating to those customers not identified on the November 13 list, or the account information for banks with accounts at NatWest or RBS in which NatWest or RBS acted as a correspondent or clearing bank.

This stipulation does not serve as a waiver of Defendant's right to object to the relevancy of any further requests for information related to the subject customer(s). Plaintiffs stipulate that they do not intend to seek further discovery as to the subject customer(s) absent a good-faith belief that the subject customer(s) is relevant to these lawsuits. For this purpose, a relevant customer will appear on a terrorist list published by the U.S., Bank of England, European Union, United Nations, or Israel, or have some connection to an individual or entity appearing on one or more of the lists beyond the fact that its name appears in a document that refers to such an individual or entity.

Dated: February 4, 2010

By:


Jonathan I. Blackman
Lawrence B. Friedman
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006
Telephone: 212-225-2000

Counsel for Defendant

By: 
Gary M. Osen

Joshua D. Glatter
Cindy T. Schlanger
Ari Ungar
Aaron Schlanger
Peter Raven-Hansen, Of Counsel
Osen LLC
700 Kinderkamack Road
Oradell, New Jersey 07649
Telephone: (201) 265-6400

Steven M. Steingard
Stephen H. Schwartz
Neil L. Glazer
Kohn, Swift & Graf, P.C.
One South Broad Street
Philadelphia, PA 19107
Telephone: (215) 238-1700

Andrew D. Friedman, Of Counsel
Neil A. Dubinsky, Of Counsel
Glancy Binkow & Goldberg LLP
430 Park Avenue
New York, New York 10022
Telephone: (212) 308-6300

Ronald L. Motley
Donald Migliori
Michael Elsner
Justin B. Kaplan
John M. Eubanks
Elizabeth Smith
Motley Rice, LLC
28 Bridgeside Boulevard, P.O. Box 1792
Mount Pleasant, SC 29465
Telephone: (843) 216-9000

Aitan D. Goelman
Benjamin Block
Zuckerman Spaeder LLP
1800 M Street, NW
Suite 1000
Washington, DC 20036-5807
Telephone: (202) 778-1800

Counsel for the Weiss Plaintiffs

By:

MJG
Mark S. Werbner
Joel Israel
Sayles Werbner P.C.
4400 Renaissance Tower
1201 Elm Street
Dallas, TX 75270
Telephone: (214) 939-8700

Richard D. Heideman
Noel J. Nudelman
Tracy R. Kalik
Heideman Nudelman & Kalik, P.C.
1146 19th Street, NW, 5th Floor
Washington, DC 20036
Telephone: (202) 463-1818

James P. Bonner
Shalov Stone Bonner & Rocco LLP
485 Seventh Avenue
Suite 1000
New York, NY 10018
Telephone: (212) 239-4340

Counsel for the Applebaum Plaintiffs

SO ORDERED:

Dated: Feb. 5, 2010

s/ MJ Go

Marilyn D. Go (U.S.M.J.)